REMARKS

The foregoing amendments and the following remarks are responsive to the Office Action dated October 2, 2007 ("Office Action"). Claims 1, 2, 4-16, and 25-27 remain pending in the present application, and new Claims 28-31 have been added, as further discussed below. Claims 17-24 have been canceled as being directed to a non-elected invention.

Applicants respectfully traverse the present rejection. However, to expedite the prosecution of the present application, Applicants have amended Claim 1 and respectfully request the Examiner to reconsider and allow all of the above-listed claims in view of the foregoing amendments and the following comments. Applicants expressly reserve the right to further prosecute the original version of any Claims through continuation practice.

Claims 1, 4, 5, 7-9, 12-15, and 26-27 are not anticipated by U.S. Patent No. 5,122,127 under 35 U.S.C. 102(b)

The Examiner rejected Claims 1, 4, 5, 7-9, 12-15, and 26-27 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,827,530 ("Reed"). Respectfully stated, Claims 1, 4, 5, 7-9, 12-15, and 26-27 are not anticipated by Reed.

Claim 1 has been amended to include some of the limitations previously set forth in Claim 4, as well as additional limitations to further define the scope and meaning of the internal wall that is now set forth in Claim 1. Without limitation, amended Claim 1 is directed to a fluid medication delivery device comprising a fluid impermeable sheet, a fluid semi-permeable layer, a fluid reservoir defined as the space between the semi-permeable and impermeable layers, at least one internal wall formed by securing a portion of the fluid impermeable layer to a portion of the fluid semi-permeable layer so as to form multiple interconnected regions within the fluid reservoir, and a fluid inlet communicating with the fluid reservoir.

Respectfully stated, Reed does not disclose or suggest an internal wall formed by securing a portion of the fluid impermeable layer to a portion of the fluid semi-permeable layer so as to form multiple interconnected regions within the fluid reservoir. Feature 40 of Reed's fillable patch is not a segmenting element that defines a separate space in the reservoir, as the Office Action states. In contrast, as shown in Figure 2 and described at column 4, lines 8-24, feature 40 is a "shield" that is intended merely to protect the diffusion membrane 16 from inadvertent

damage imparted by the needle used to fill the fillable reservoir 24. Reed does not disclose or suggest that feature 40 is an internal wall configured so as to form multiple interconnected regions within said fluid reservoir. Further, as set forth in amended Claim 1, the internal wall of Claim 1 is formed by securing a portion of the fluid impermeable layer to a portion of the fluid semi-permeable layer. Reed does not disclose or suggest such a feature.

Additionally, as set forth in Claim 1, the fluid inlet comprises a valve comprising a one-way valve configured to permit fluid to enter the fluid reservoir and to prevent fluid from exiting the fluid reservoir through the fluid inlet. The rubber septum discussed at column 4, lines 1-10 of Reed does not disclose or suggest such a one-way valve. With reference to column 4, lines 1-10, Reed's rubber septum is comprised of latex or other rubber material through which a loading needle can be sealably inserted. Reed inherently discloses only two configurations related to the septum and loading needle – i.e., one in which the loading needle is not inserted through the septum, and one in which the loading needle is inserted through the septum. In the first configuration, the septum clearly does not permit fluid to enter the fluid reservoir and, therefore, does not anticipate Claim 1. In the second configuration, with the needle inserted through the septum, there is nothing disclosed or suggested in Reed that would prevent fluid from exiting the fluid reservoir in the same manner that it is permitted to enter the fluid. In other words, Reed does not disclose or suggest any feature that would prevent fluid from exiting the reservoir by withdrawing the plunger in the syringe that is shown in Figures 1-5. Therefore, Reed does not anticipate the one-way valve of Claim 1 that is configured to permit fluid to enter the fluid reservoir and to prevent fluid from exiting the fluid reservoir through the fluid inlet. Arguing otherwise changes the fundamental nature of the septum described in Reed.

Further patentable distinctions between Claim 1 and the disclosure and suggestions of Reed are set forth in Applicants' amendment filed on July 18, 2007. Applicants reserve the right to further pursue these arguments, but have omitted such arguments from this response for efficiency.

For the above-stated reasons, Applicants submit that Reed fails to disclose each and every element recited by amended Claim 1. Accordingly, Applicants respectfully request that the Examiner withdraws the rejection of Claim 1 and passes this claim to allowance.

Regarding Claim 7, in contrast with Reed, Claim 7 claims a fluid medication delivery device comprising (among other things) a fluid impermeable pouch having two limitations that are not disclosed or suggested by Reed. First, the fluid impermeable pouch of Claim 7 has a second wall opposing a first wall. While Reed may disclose or suggest a first wall and a fluid semi-permeable layer, which Applicants do not concede, Applicants submit that Reed does not disclose or suggest the second wall set forth in Claim 7, and the Office Action fails to point out any disclosure or suggestion in Reed that relates to the second wall. Further, the second wall of the fluid impermeable pouch of Claim 7 has a plurality of openings. Reed does not disclose or suggest such a plurality of openings, and the Office Action fails to point out any disclosure or suggestion in Reed that relates to such a plurality of openings.

Regarding Claims 4-5, 8-9, 12-15, and 26-27, respectfully stated, these claims are not anticipated or suggested by Reed for at least the same reasons as for the claim or claims from which they depend, and also because they each recite further patentable distinctions. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of Claims 1, 4-5, 7-9, 12-15, and 26-27 in view of the amendments and clarifications listed above, and to pass these claims to allowance.

Claims 2, 6, 10-11, and 16 are not unpatentable over Reed in view of U.S. Patent No. 6,350,253 under 35 U.S.C. 103(a)

The Office Action rejects Claims 2, 6, 10-11, and 16 under 35 U.S.C. 103(a) as being unpatentable over Reed in view of U.S. Patent No. 6,350,253 ("Deniega"). Applicants submit that Claims 2, 6, 10-11, and 16 define patentable distinctions over the cited references, not only because they depend from allowable Claims 1 and 7, but also on their own merit. Respectfully stated, Deniega fails to rectify the failure of Reed to disclose, among other elements, the elements listed in amended Claim 1 and Claim 7, as set forth in more detail above. Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of Claims 2, 6, 10-11, and 16, and to pass these claims to allowance.

Claim 25 is not unpatentable over Reed in view of U.S. Patent No. 4,605,309 under 35 U.S.C. 103(a)

The Office Action rejects Claim 25 under 35 U.S.C. 103(a) as being unpatentable over Reed in view of U.S. Patent No. 4,605,309 ("Weston"). Applicants submit that Claim 25 defines patentable distinctions over the cited references, not only because it depends from allowable Claim 1, but also on its own merit. Respectfully stated, Weston fails to rectify the failure of Reed to disclose, among other elements, the elements listed in amended Claim 1, as set forth in more detail above. Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of Claims 2, 6, 10-11, and 16, and to pass these claims to allowance.

New Claims Have Been Added:

New claims 28-31 have been added. These claims are fully supported by the application as filed such that no new matter has been introduced by this Amendment. Of the new claims added herein, Claim 28 is an independent claim, and Claims 29-31 are dependent claims. Regarding the art references cited in the Office Action, independent Claim 28 is not anticipated or suggested by, or unpatentable over, such references for at least the same reasons cited above. Further, dependent Claims 29-31 are not anticipated or suggested by, or unpatentable over, such references for at least the same reasons as for the claim or claims from which they depend, and also because they each recite further patentable distinctions.

Co-Pending Applications and Issued Patents of Assignee:

Applicant wishes to draw the Examiner's attention to the following co-pending application of the present application's assignee.

Serial Number	Title	Filed
10/942,735 IFLOW.149CP1	FLUID MEDICATION DELIVERY DEVICE	09-16-2004

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this

application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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